



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,571	09/27/2000	Avery Li-Chun Wang	1800/1	4634

27774 7590 08/02/2005

MAYER, FORTKORT & WILLIAMS, PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT PAPER NUMBER

2145

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/671,571

Applicant(s)

WANG ET AL.

Examiner

Azizul Choudhury

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/04, 4/01, 4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This office action is in response to the correspondence received on April 21, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 35, 47, 85, and 88 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Details critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Details pertaining to the steps involved with the captured music sample comparison against a music database are still absent from the claims (*emphasis added*). Such details are critical to the practice of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Gokcen et al (US Pat No: US005125024A), hereafter referred to as Gokcen.

1. With regards to claim 35, Gokcen teaches a method for providing a transaction to a user exposed to a media stream, the method comprising the steps of:

- a) receiving a signal including a captured sample of media stream from the user;
- b) determining from the signal a characteristic of the captured sample; and
- c) triggering a predetermined transaction with the user in response to the determined characteristic.

(Gokcen discloses a design for a voice (media) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (equivalent to the claimed predetermined transaction) (column 5, lines 8-68, Gokcen)).

2. With regards to claim 36, Gokcen teaches the method, wherein the predetermined transaction includes sales and purchase of merchandise (Gokcen's design allows a user to place orders within a store through verbal commands (column 5, lines 39-68, Gokcen)).

3. With regards to claim 37, Gokcen teaches the method wherein the predetermined transaction includes an offer for sale of merchandise (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen)).

4. With regards to claim 38, Gokcen teaches the method wherein the offer for sale of merchandise includes an offer to sell recordings of music (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen), hence means are present by which to make particular offers).

5. With regards to claim 39, Gokcen teaches the method wherein the recording is related to a characteristic of the captured sample (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen), hence means are present by which to make particular offers. The information (recording) is provided to the customer based on customer feedback provided through customer voice commands. Hence, the recording is related to a characteristic of the captured sample (voice command)).

6. With regards to claim 40, Gokcen teaches the method wherein the predetermined transaction includes furnishing and receiving information (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user).

Art Unit: 2145

7. With regards to claim 41, Gokcen teaches the method wherein the predetermined transaction includes delivery of advertising or promotional offers (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen)).

8. With regards to claim 42, Gokcen teaches the method wherein the promotional offers include free trials (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen). No limitations are placed as to what type of inform-content (offers) is permissible).

9. With regards to claim 43, Gokcen teaches the method wherein the promotional offers includes offers to sell merchandise or services at discounted prices (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose

from (column 5, lines 8-19, Gokcen). No limitations are placed as to what type of inform-content (offers) is permissible).

10. With regards to claim 44, Gokcen teaches the method wherein the predetermined transaction includes an exchange of information between a sales source and the user attendant to a sale of merchandise or services to a user (Gokcen's design allows for a user to place an order (column 5, lines 8-19, Gokcen). If an order is to be placed, it is inherent that an exchange of information between a sales source and the user attendant to a sale occur, as claimed).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gokcen in view of Pocock (US Pat No: US005661787A).

11. With regards to claim 45, Gokcen teaches through Pocock, the method wherein the offer is selected in response to a profile to the user

Art Unit: 2145

(Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen). No limitations are placed as to what type of inform-content (offers) is permissible). However, no disclosure is made regarding the storage of user profiles.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a name and address database based on consumer information (column 3, lines 1-9, Pocock). The content within this database is equivalent to the claimed user profile.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

Art Unit: 2145

12. With regards to claim 46, Gokcen teaches through Pocock, the method wherein the offer is selected in response to history of transactions completed with the user

(Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen). No limitations are placed as to what type of inform-content (offers) is permissible). However, no disclosure is made regarding the storage of user history.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a name and address database based on consumer information (column 3, lines 1-9, Pocock). The content within this database is equivalent to the claimed user history.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the

Art Unit: 2145

purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

13. With regards to claim 47, Gokcen teaches through Pocock, a method for identifying music to a user comprising:

- a) receiving a signal including a captured sample of the music from the user;
- b) determining from the signal a. characteristic of the captured sample;
- c) comparing the characteristic of the captured sample to a characteristic associated with an identity records contained in a database; and
- d) locating an identity record corresponding to the captured sample according to a result of the comparison

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound

Art Unit: 2145

recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

14. With regards to claim 48, Gokcen teaches through Pocock, the method wherein the music is received by the user via a radio broadcast and the captured sample includes a sample of the radio broadcast

(Gokcen discloses a design for a voice (captured sample) response unit. A voice sample is an audio sample and is equivalent to the claimed radio broadcast sample. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Art Unit: 2145

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

15. With regards to claim 49, Gokcen teaches through Pocock, the method further including returning the identity record to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

16. With regards to claim 50, Gokcen teaches through Pocock, the method further including offering to sell to the user a recording including at least a song which corresponds to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned

Art Unit: 2145

to the user (column 2, lines 47-67, Pocock). This includes other songs recorded on the album, which is equivalent to the claimed song corresponding to the located identity record.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

17. With regards to claim 51, Gokcen teaches through Pocock, the method further including offering to provide to the user information relating to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Art Unit: 2145

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

18. With regards to claim 52, Gokcen teaches through Pocock, the method further including a step of playing a recording of a song corresponding to the located identity to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

Art Unit: 2145

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). This includes playback of songs.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

19. With regards to claim 53, Gokcen teaches through Pocock, the method further including a step of offering to sell merchandise

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

Art Unit: 2145

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

20. With regards to claim 54, Gokcen teaches through Pocock, the method wherein the merchandise relates to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the

Art Unit: 2145

voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

Art Unit: 2145

21. With regards to claim 55, Gokcen teaches through Pocock, the method further including a step of offering sell live performance tickets

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

22. With regards to claim 56, Gokcen teaches through Pocock, the method wherein the live performance tickets relate to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-

Art Unit: 2145

demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

23. With regards to claim 57, Gokcen teaches through Pocock, the method further including a step of offering sell record albums to be released at a future time

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio

Art Unit: 2145

segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

24. With regards to claim 58, Gokcen teaches through Pocock, the method wherein the live performance tickets relate to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music

Art Unit: 2145

related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

25. With regards to claim 59, Gokcen teaches through Pocock the method wherein the information further includes information pertaining to a location of retail music establishments that are in close proximity to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

Art Unit: 2145

Plus Pocock's design allows for the user's location to be obtained by the service hence, means are present for the claimed trait (column 3, lines 9-35, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

26. With regards to claim 60, Gokcen teaches through Pocock the method further including downloading media to a user device

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain

Art Unit: 2145

desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Since purchases and sample can be received by the user through the phone, it is inherent that media is downloadable as claimed, when a phone with Internet access is used.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

27. With regards to claim 61, Gokcen teaches through Pocock, the method wherein the downloaded media includes a pre-recorded song corresponding to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the

Art Unit: 2145

voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

Art Unit: 2145

28. With regards to claim 62, Gokcen teaches through Pocock, the method wherein the user device is selected from the group consisting of PCs, PDAs, internet access devices, wireless internet devices, mobile telephones, wireless information devices and pagers

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock). Since purchases and sample can be received by the user through the phone, it is inherent that media is downloadable as claimed, when a phone with Internet access is used. No limitation is placed as to what type of phone device is used; hence the claimed devices are acceptable.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound

Art Unit: 2145

recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

29. With regards to claim 63, Gokcen teaches through Pocock, the method further including receiving commands from the user in response to the returned identity record (Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. The user is able to continue to make selections through the keypad of the phone (receiving commands from the user) in response to the service's offers and requests.

Art Unit: 2145

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

30. With regards to claim 64, Gokcen teaches through Pocock, the method further including performing an additional predetermined step in response to the command

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. The user is able to continue to make selections through the keypad of

Art Unit: 2145

the phone (receiving commands from the user) in response to the service's offers and requests. In addition, the service responds to the commands sent by the user.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

31. With regards to claim 65, Gokcen teaches through Pocock, the method wherein the predetermined step includes delivering a message to a third party

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain

Art Unit: 2145

desired song. When a user selects to make a purchase and enters the credit card information, the service communicates with a credit authorization service (equivalent to claimed delivering a message to a third party) (Figure 1, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

32. With regards to claim 66, Gokcen teaches through Pocock, the method wherein the message includes a recommendation of music corresponding to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Art Unit: 2145

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard (column 4, line 61 – column 5, line 17, Pocock). Hence means are present by which to search databases (communicate with third parties).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

33. With regards to claim 67, Gokcen teaches through Pocock, the method wherein the predetermined step includes a collection of data indicative of music popularity

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

34. With regards to claim 68, Gokcen teaches through Pocock, the method wherein the collected data includes data received from the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-

Art Unit: 2145

demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

35. With regards to claim 69, Gokcen teaches through Pocock, the method wherein the predetermined step includes playing additional songs not associated with the located identity record to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (songs not associated with the located identity record) (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound

Art Unit: 2145

recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

36. With regards to claim 70, Gokcen teaches through Pocock, the method wherein the predetermined step includes locating one or more music performance artists matching a predetermined criterion

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

Art Unit: 2145

Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

37. With regards to claim 71, Gokcen teaches through Pocock, the method wherein the criterion includes similarity of the one or more music performance artists to an artist associated with the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

38. With regards to claim 72-80 Gokcen teaches through Pocock, the method wherein the predetermined step includes providing a critical review of a music performance artist associated with the located identity record

Art Unit: 2145

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

39. With regards to claim 81, Gokcen teaches through Pocock, the method further including storing the captured sample

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio

Art Unit: 2145

segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

40. With regards to claim 82, Gokcen teaches through Pocock, the method wherein the predetermined step includes delivering an excerpt of a recording of a song corresponding to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). This includes playback of songs.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of

Art Unit: 2145

Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

41. With regards to claim 83, Gokcen teaches through Pocock, the method wherein the excerpt is delivered to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). This includes playback of songs to the user.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during

Art Unit: 2145

the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

42. With regards to claim 84, Gokcen teaches through Pocock, the method wherein the excerpt is delivered to a third party

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). This includes playback of songs. The playback can be sent through a phone hence, a phone user such as the user or a third party is able to receive the playback.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound

Art Unit: 2145

recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

43. With regards to claim 85, Gokcen teaches through Pocock, a method for identifying music to a user exposed to a broadcast that includes unidentified music, the method comprising: a) receiving a signal including a captured sample of the broadcast from the user; b) determining from the signal a characteristic of the captured sample; c) comparing the characteristic of the captured sample to a characteristic associated with an identity record contained in a database; d) attempting to locate an identity record corresponding to the captured sample according to a result of the comparison; and e) storing the captured sample if the location attempt is unsuccessful

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. However, Gokcen's

Art Unit: 2145

design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

44. With regards to claim 86, Gokcen teaches through Pocock, the method further including delivering the captured sample to remote locations

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line (hence to a remote location) and after deciphering the voice command, makes an appropriate response (column 5,

Art Unit: 2145

lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

45. With regards to claim 87, Gokcen teaches through Pocock, the method wherein the delivered captured samples are used in games or contests involving attempts to identify the unidentified music

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the

Art Unit: 2145

voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). What action is taken using the sample is dependant upon the service provider. If the service is to be provided by a commercial radio station, it is within the scope of the art for the claimed games and contests to be applied to the captured sample. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

Art Unit: 2145

46. With regards to claim 88, Gokcen teaches through Pocock, a method for identifying music to a user exposed to a broadcast that includes unidentified music, the method comprising: a) receiving a signal including a captured sample of the broadcast from the user; b) determining from the signal a characteristic of the captured sample; c) comparing the characteristic of the captured sample to a characteristic associated with an identity record contained in a database; d) attempting to locate an identity record corresponding to the captured sample according to a result of the comparison; and e) providing an interactive interface for the user to store manipulate data associated with a successfully located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. The phone interface allows users to interface with the service and select different options as well, manipulating the data. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound

Art Unit: 2145

recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

47. With regards to claim 89, Gokcen teaches through Pocock, the method wherein the interface is selected from the group consisting of real-time interfaces, offline interfaces, and combinations thereof

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. The phone interface allows users to interface with the service and select different options as well, manipulating the data. The interface is real-time but is also able to be offline since captured voice commands must be saved. How long it is saved for is not limited within the design. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Art Unit: 2145

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

48. With regards to claims 90, 95 and 96, Gokcen teaches through Pocock, the method wherein the offline interface is selected from the group consisting of internet browsers, email, SMS messaging and combinations thereof

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. The phone interface

Art Unit: 2145

allows users to interface with the service and select different options as well, manipulating the data. The interface is real-time but is also able to be offline since captured voice commands must be saved. How long it is saved for is not limited within the design. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock). Since purchases and sample can be received by the user through the phone, it is inherent that media is downloadable as claimed, when a phone with Internet access is used. No limitation is placed as to what type of phone device is used; hence the claimed devices are acceptable.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio

Art Unit: 2145

segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

49. With regards to claim 91, Gokcen teaches through Pocock, the method wherein the interface is arranged to allow the use to store, retrieve and forward the data

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. The phone interface allows users to interface with the service and select different options as well, manipulating the data. The interface is real-time but is also able to be offline since captured voice commands must be saved. How long it is saved for is not limited within the design. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound

Art Unit: 2145

recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

50. With regards to claims 92-94, Gokcen teaches through Pocock, the method wherein the interface is arranged to allow the user to communicate with third parties

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). What action is taken using the sample is dependant upon the service provider. If the service is to be provided by a commercial radio station, it is within the scope of the art for the claimed games and contests to be applied to the captured sample. It is also possible within the design that the user communicates with the service and a radio station that is a third party (via three way calling). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain

Art Unit: 2145

desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

Remarks

The amendment received on April 21, 2005 has been reviewed but is not deemed fully persuasive. No amendments have been made to the claims themselves. Instead the applicant's representative focuses on a single issue of concern, the claims that the prior art(s) fail to teach, "receiving a signal including a captured sample of media stream from the user." The examiner disagrees with this point of contention. The Gokcen disclosure features a design enabling a spoken command or command tones to be received by the system from the user through a telephone (column 5, lines

8-68, Gokcen). Spoken commands and tones are both forms of media streams captured from the user by the system.

The rejection within this office action is presented against the claimed invention. This is not to say that the invention itself does not possess any novelty. Unfortunately, the claimed invention itself remains broad and general leaving itself vulnerable to prior arts as demonstrated within the office action. Further amendments to the claim language are recommended.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

Art Unit: 2145

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC


PATRICE WINDER
PRIMARY EXAMINER